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January 10, 2006

215534

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

RE: Docket No. AB-33 (Sub-No. 229X), Union Pacific Railroad Company- Abandonment exemption—in Ellis County, Texas (Waxahachie Industrial Lead)

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Request for Issuance of a Notice of Interim Trail Use, for filing with the Board in the above referenced matter. A copy is being served on Applicant's representative.

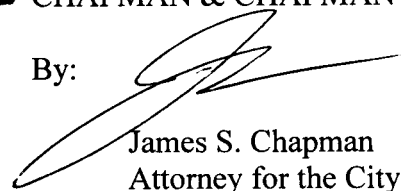
The filing fee is waived for the City of Waxahachie, Texas.

FILING FEE WAIVED

Sincerely,

CHAPMAN & CHAPMAN LLP

By:


James S. Chapman
Attorney for the City of
Waxahachie, Texas

cc: Mack Shumate, Union Pacific

FILED
JAN 11 2006
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

JAN 11 2006

Part of
Public Record

2155 34

BEFORE THE
SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY §
ABANDONMENT EXEMPTION §
IN ELLIS COUNTY, TEXAS §
(WAXAHACHIE INDUSTRIAL LEAD) §

DOCKET NO. AB-33
(SUB-NO. 229X)

JAN 11 2006
RECEIVED

REQUEST FOR ISSUANCE OF A
NOTICE OF INTERIM TRAIL USE

CITY OF WAXAHACHIE, TEXAS
401 S. Rogers
Waxahachie, Texas 75165

Proposed Trail User

FILED FEE WAIVED

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Attorney for Proposed Trail User

FILED

JAN 11 2006

TRANSPORTATION BOARD

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BEFORE THE
SURFACE TRANSPORTATION BOARD

A
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UNION PACIFIC RAILROAD COMPANY §
ABANDONMENT EXEMPTION §
IN ELLIS COUNTY, TEXAS §
(WAXAHACHIE INDUSTRIAL LEAD) §

DOCKET NO. AB-33
(SUB-NO. 229X)

**REQUEST FOR ISSUANCE OF A
NOTICE OF INTERIM TRAIL USE**

Pursuant to 49 C.F.R § 1152.29(a), the THE CITY OF WAXAHACHIE, TEXAS (the City) hereby requests that the Board issue a Notice of Interim Trail Use (NITU) authorizing the City to negotiate with the Union Pacific Railroad Company (UP) during a 180-day period for rail banking and interim recreational trail use of the right-of-way involved in this proceeding as well as the potential acquisition of the property in fee.

The following is submitted in support of that request.

1. Map of the Right-of-Way (49 C.F.R. §1152,29(a)(1))

A map of the involved right-of-way is attached as Exhibit A. The right-of-way extends from Milepost 798.03 near Waxahachie to Milepost 802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas (the "Line").

2. Willingness to Assume Financial Responsibility (49 C.F.R. §1152,29(a)(2))

In order to establish interim trail use and rail banking under 16 U.S.C §1247(d) and 49 C.F.R. §1152.29, the City is willing to assume full responsibility for management of and for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by UP. The property extends between Milepost 798.03 near Waxahachie to Milepost

802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas (the "Line"). The right-of-way is part of a line of railroad proposed for abandonment in Docket No. AB-33 (Sub-No. 229X).

3. **Continuing Responsibilities; Future Reactivation of Rail Service**

49 C.F.R. §1152.29(a)(3)

The City acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

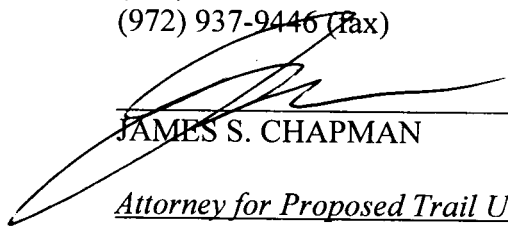
CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should issue a Notice of Trail Interim Use authorizing the City and UP to negotiate for rail banking, interim recreational trail use and potential acquisition in fee of the right-of-way involved in this proceeding.

CITY OF WAXAHACHIE, TEXAS
401 S. Rogers
Waxahachie, Texas 75165

Proposed Trail User

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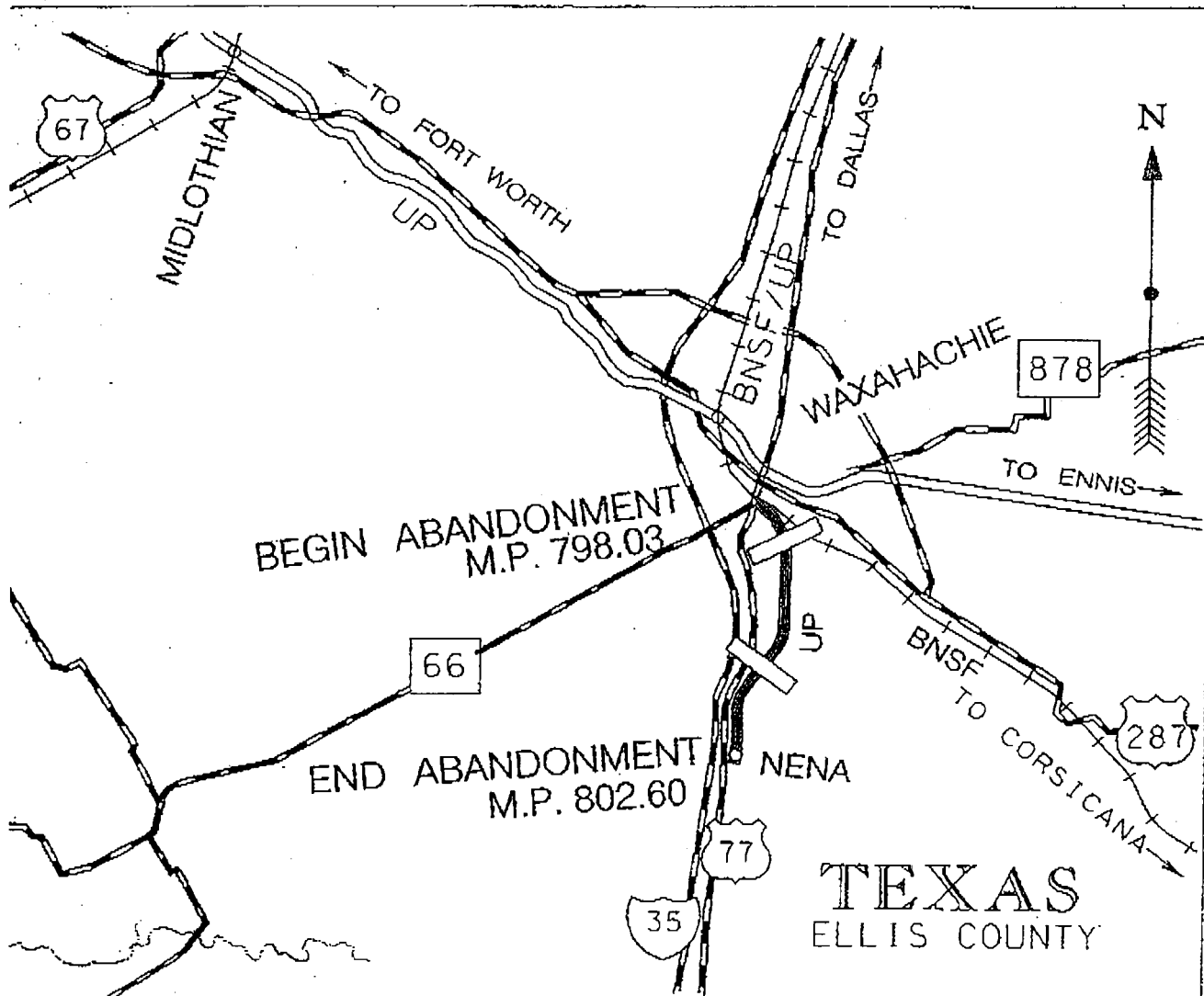


JAMES S. CHAPMAN

Attorney for Proposed Trail User

ATTACHMENT NO. 1

EX "A"



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR 789.1	1- 102' SPAN TT	434'	1890
	3- SPAN TPT		1961
BR 800.9	1- 100' SPAN TT	154'	1905
	11 SPAN TPT		1938

STATION	MILE POST	AGENCY
WAXAHACHIE	798.10	NO
NENA	802.60	NO

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER RR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

WAXAHACHIE INDUSTRIAL LEAD
A TOTAL OF 4.57 MILES
IN ELLIS COUNTY, TEXAS

UNION PACIFIC RAILROAD CO.
WAXAHACHIE INDUSTRIAL LEAD
INCL. 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: O:\abandonment\ab0168_wax.dgn

DATE: 12-Apr-05 14:43

AB-33-229X